

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CITIZENS TELECOMMUNICATIONS COMPANY, LLC, d/b/a FRONTIER CITIZENS COMMUNICATIONS OF MINNESOTA	DOCKET NO. SPU-04-17
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ORDER GRANTING MODIFICATION

(Issued July 21, 2004)

On June 22, 2004, Citizens Telecommunications Company, LLC, d/b/a Frontier Citizens Communications of Minnesota (Citizens), filed with the Utilities Board (Board) a petition for modification of local number portability (LNP) requirements in its Amund, Iowa, exchange pursuant to 47 U.S.C. § 251(f)(2) and Iowa Code § 476.1 (2003). The petition has been identified as Docket No. SPU-04-17. No objections to the petition have been filed.

The Federal Communications Commission's (FCC's) regulations provide that all local exchange carriers (LECs) must make long-term LNP available within six months after receiving a bona fide request (BFR) by another telecommunications carrier in areas in which the requesting carrier operates or plans to operate. 47 C.F.R. § 52.23(c). In addition, the FCC requires that wireline carriers support wireline to wireless number porting by November 24, 2003, for any LEC receiving a

BFR and located in the top 100 Metropolitan Statistical Areas (MSAs).¹ The FCC also requires that carriers outside the top 100 MSAs are required to provide number portability by May 24, 2004, or six months after receiving a BFR for LNP, whichever is later.²

Section 251(f)(2) of the Telecommunications Act of 1996 (1996 Act) provides that a LEC with less than 2 percent of the nation's subscriber lines installed in the aggregate nationwide may petition a state commission for a suspension or modification of the FCC requirements imposed under 47 U.S.C. § 251(b) or (c). In addition, 47 U.S.C. § 251(f)(2) provides that a state commission shall grant any petition for suspension or modification to the extent that, and for such duration as, a state commission determines that such suspension or modification:

(A) is necessary:

- (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
 - (ii) to avoid imposing a requirement that is unduly economically burdensome; or
 - (iii) to avoid imposing a requirement that is technically infeasible;
- and

(B) is consistent with the public interest, convenience, and necessity.

47 U.S.C. § 251(f)(2).

¹ In re: Telephone Number Portability, CC Docket No. 95-116, "Order," January 16, 2004.

² Id.

In support of its request for modification of the federal LNP requirements, Citizens states that it is a rural LEC with fewer than 2 percent of the nation's subscriber lines installed in the aggregate nationwide. Citizens also states that in five of the exchanges in Iowa where Citizens provides service, including the Amund exchange, the central office for each exchange is located in Minnesota. Amund is served from the Kiester, Minnesota, switch, which is a Lucent GTD-5 remote switch subtended off the Alden, Minnesota, host switch, which is also a Lucent GTD-5 switch. Citizens states that the Kiester and Alden central offices are the only GTD-5 switches that Citizens has in Minnesota.

Citizens states that it received a BFR for LNP from Nextel Partners, Inc. (Nextel), on March 26, 2004, for the Amund rate center. Citizens asserts that there are approximately five access lines in the Amund exchange. Based on the March 26 BFR date, Citizens states that the due date for deploying LNP in the Amund exchange is September 26, 2004.

Citizens requests that the LNP compliance date for the Amund exchange be modified from the September 26, 2004, deployment date to November 1, 2004. Citizens states it has considered different options to meet the LNP requirements in the Amund exchange and indicates that it has chosen to convert its Alden and Kiester switches to remote switches served by the DMS-10 host office in Kenyon, Minnesota, rather than to upgrade the current Lucent switches. Under this option, Citizens states that the Alden and Kiester switches will be connected to the Kenyon

central office by leasing DS1 circuits over fiber-optic routes owned by Qwest Communications (Qwest) from Alden to Blooming Prairie, Minnesota, where the traffic will be transferred to Citizens' backbone network and transported to the Kenyon host switch. Citizens states that it selected this option due to the substantially lower cost when compared to an upgrade of the Lucent switches and because it allows Citizens to offer voice mail services in the Amund exchange at no additional cost.

Citizens states that Qwest has scheduled August 27, 2004, as the date for completion of the additional DS1 capacity between Alden and Blooming Prairie. Meeting the September 26, 2004, deadline would not allow adequate time for implementation and testing of the new arrangement. Therefore, Citizens requests the modification of the federal LNP requirements to permit adequate testing of the circuits before implementing LNP.

Pursuant to § 251(f)(2) of the 1996 Act, the Board has the authority to modify the federal LNP requirements for Citizens. The Board has reviewed Citizens' petition and finds the option selected by Citizens is cost-effective and avoids an unnecessary economic burden that would be placed on Citizens if it were required to meet the current requirements. The requested extension is only a matter of a few weeks, from September 26 to November 1, 2004. In addition, the Board notes that Nextel has not objected to Citizens' request. Therefore, the Board finds that a modification of the federal LNP requirements is necessary to avoid imposing a requirement that is

unduly economically burdensome and is consistent with the public interest, convenience, and necessity.

IT IS THEREFORE ORDERED:

1. The "Petition for Modification of Local Number Portability Deployment Date" filed by Citizens Telecommunications Company, LLC, d/b/a Frontier Citizens Communications of Minnesota, on June 22, 2004, is granted.

2. The deployment date for local number portability compliance for the Amund, Iowa, exchange is November 1, 2004.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 21st day of July, 2004.